



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/797,359

03/09/2004

Stephen Boyer

909A.0156.U1(US)

4348

29683 7590 10/20/2008
HARRINGTON & SMITH, PC
4 RESEARCH DRIVE, Suite 202
SHELTON, CT 06484-6212

EXAMINER

SKOWRONEK, KARLHEINZ R

ART UNIT

PAPER NUMBER

1631

MAIL DATE

DELIVERY MODE

10/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/797,359	Applicant(s) BOYER ET AL.	
	Examiner KARLHEINZ R. SKOWRONEK	Art Unit 1631	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 September 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-3, 6-21, 24-39 and 42-46.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Marjorie Moran/
Supervisory Patent Examiner, Art Unit 1631

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 10 September 2008 have been fully considered but they are not persuasive. Applicant argues that the Friedman et al. does not suggest the recognition of chemical names in a document. This argument is not persuasive. As indicated in the rejection, Friedman does not explicitly recite the recognition of chemical names from text. Rather, Friedman et al, as identified in the rejection and reiterated by applicant, suggest the chemical names can be documented or "tagged" using Chemical Markup Language (CML) (col. 11, line 46-48). Thus, while Friedman et al. does not explicitly show the recognition of chemical names. Friedman does show the semantic parsing or "partitioning" of documents using a lexicon to "tag" recognized words or terms using XML. Brecher et al. shows the recognition of chemical names. Applicant argues that neither Brecher et al. nor Friedman et al. shows partitioning text documents. The argument is not persuasive. Brecher et al. shows the file based inputs, reading on text documents (col. 2, line 49). Brecher et al. shows that regular expressions are applied to parse or "partition" the text (col. 5, line 40-50). Brecher et al. shows the names are looked up in a chemical lexicon (col. 6, line 30-40). Applicant argues the teachings of Brecher et al. contradict the teachings of Dittmar et al. The argument is not persuasive. As applicant points out, Brecher et al. does show that chemical names are first converted to lower case. However Brecher et al. shows atomic chains are in upper case (col. 10, line 1-19). Dittmar et al. also shows that atomic chains are in upper case. Furthermore, the claims do not require that all steps be performed with uppercase letters. The claims only requires that the characters of the regular expression comprise the uppercase at least one of C, O, N, R, and H. Brecher et al. shows the regular expressions scan the buffer for uppercase O, N and R (col. 4-5). Applicant argues that Hull et al. does not show extracting keywords. The argument is not found persuasive. Hull et al. describes generating a database of keywords or descriptors (col. 9, line 15-30). Hull et al. further shows that the descriptors or keywords can be chemical name fragments as textual representations of chemical descriptors (col. 9, line 23-25). Hull shows the database can be searched by a text word and a structure (col. 10, line 54-57). Applicant argues that Moore et al. does not show a search query of a chemical name and a chemical structure. The argument is not persuasive. Moore et al. shows chemical names or name fragments and chemical substructures can be searched (col. 2, line 43-54). One would have been motivated by Hull et al. to combine text and structure searching because Hull et al. shows that the combined text structure search advantageously improves the search by "tweaking" (col. 16, line 25-27). Applicant argues that Friedman et al. in view of Brecher et al. in view of Moore in view of Hull et al. in view of Dittmar et al. and in view of Leiter does not show selecting a graphical representation. The argument is not persuasive. Hull et al. shows that chemical structures are searched (col. 12, line 64-67; col. 13, line 17-19). Hull et al. shows the query structure is translated in connection table (col. 10, line 55-61). Moore et al. shows the entry of a structure to be queried (col. 8, line 16-21). Moore et al. shows entry of chemical structures by selection (col. 4, line 28-35). Both Moore et al. and Hull teach the translation of a graphical representation to a connection tables. With respect that applicant's argument that Friedman et al. in view of Brecher et al. in view of Moore in view of Hull et al. in view of Dittmar et al. and in view of Leiter does not show claim 3. The argument is not persuasive. Moore et al. shows that connection tables are representations of chemical structure (col. 4, line 37-52). As addressed above, Moore shows that system automatically generates a connection table from the substructure entered by the user (col. 7, line 49-56; col. 4, line 28-35). The rejection is maintained.